



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoshihiro NAKAO et al.

Confirmation No. 5495

Application No.: 10/791,791

Group Art Unit: 1634

Filed: March 4, 2004

Examiner: James Martinell, Ph.D.

Title: SCREENING METHOD FOR GENES OF BREWING YEAST

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO OFFICIAL COMMUNICATION / NON-COMPLIANT  
SUBMISSION**

Sir:

In response to the Office Action mailed January 17, 2007, Applicants submit an amended page 17 attached hereto. Please substitute the attached page 17 with that filed with Applicants' reply submitted October 5, 2006.

Regarding the assertion that the Applicants did not address the provisional obviousness-type double patent rejection and an offer to file a Terminal Disclaimer, Applicants disagree. Nevertheless, it is believed that with this submission, Applicants have provided a complete response to the outstanding Office Action, wherein the Office requested that Applicants either file a Terminal Disclaimer, distinguish the claims of the instant application with the claims of two other applications, or offer to file a Terminal Disclaimer in the future if necessary. Should any issues remain outstanding, the Office is invited to telephone the undersigned representative at its earliest convenience.

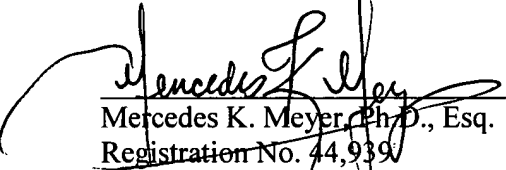
**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

Attorney Docket No.: 47635.0002  
Application No. 10/791,791  
Reply to Office Action Dated: January 17, 2007  
Reply Dated: February 2, 2007

including any required extension of time fees, and Notice of Appeal fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Date: February 2, 2007

Respectfully submitted,

  
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